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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Rothberg et al.

CONFIRMATION NUMBER: 6233

SERIAL NUMBER: 09/814,338

EXAMINER: YOUNG J. KIM

FILING DATE: March 21, 2001

ART UNIT: 1637

FOR: **METHOD OF SEQUENCING A NUCLEIC ACID**

MAIL STOP RCE

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

Further to the June 29, 2006 Notice of Appeal filed in the above-identified case, Applicants submit this Amendment and Response under 37 C.F.R. §1.116. This Amendment and Response is filed concurrently with a Request for Continued Examination (RCE) under 37 C.F.R. §1.114, and the RCE submission fee of \$790.00 for a large entity. Applicants also submit herewith a Declaration of Marcel Margulies, Ph.D. under 37 C.F.R. §1.132, a Supplemental Information Disclosure Statement, a Modified Form PTO 1449, a check for \$180.00 for the IDS fee, a Petition for a Four-Month Extension of Time and the fee of \$1,590.00 as required under 37 C.F.R. §1.17(a)(4) for a large entity. With the extension, this response is timely filed on or before December 29, 2006. While Applicants believe that no additional fees are required, the USPTO is authorized to charge or credit the undersigned Deposit Account No. **50-0311**, Customer Number : **35437**, Reference No. **21465-501-CIP2**, for any additional fees needed.

Applicants respectfully request withdrawal of the finality of the Office Action and entry and consideration of this Amendment in the application.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.